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AO 91 (Rev. 08/09) Criminal Complaint

Special Agent: Wiggins

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America,

Plaintiff,

v.

Kyle David Jones

Case: 4:19-mj-30512

Judge: Hluchaniuk, Michael J.

Filed: 09-26-2019

CMP USA v KYLE DAVID JONES (TH)

Defendant(s).

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of May 7, 2019, in the county of Genesee
in the Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. § 2252A(a)(2)(A)

Offense Description

Distribution of child pornography

This criminal complaint is based on these facts:

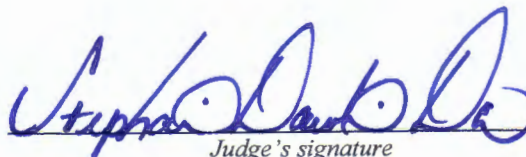
On or about May 7, 2019, in the Eastern District of Michigan, defendant knowingly distributed child pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A).



Continued on the attached sheet.

*Complainant's signature*Michael Wiggins, Special Agent - FBI*Printed name and title*

Sworn to before me and signed in my presence.

Date: September 26, 2019*Judge's signature*City and state: Flint, MichiganStephanie Dawkins Davis, U. S. Magistrate Judge
Printed name and title

COMPLAINT AFFIDAVIT

I, Michael S. Wiggins, being duly sworn, state:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice (DOJ), currently assigned to the FBI's Detroit Division, Flint Resident Agency (FLRA). I have been so employed since March 2004. I am currently assigned as the Coordinator and a member of the Northeast Michigan Trafficking and Exploitation Crimes Task Force (NEMTEC). NEMTEC is an FBI managed task force with investigative members assigned from the Michigan State Police (MSP) and FBI. As part of my employment, I have received training in and been involved in investigations regarding human trafficking, exploitation of children, drug trafficking, money laundering, threats, financial crimes, crimes involving gang related activities, child pornography and other violations of federal law
2. This Affidavit is submitted in support of a complaint and arrest warrant for KYLE DAVID JONES (DOB XX-XX-1997). It is my opinion there exists probable cause to believe JONES has violated Title 18 U.S.C. § 2252A(a)(2)(A) (Distribution of Child Pornography). This Affidavit is intended to show only sufficient probable cause for the requested order and does not set forth all of my knowledge about this matter. In addition, the information contained in this affidavit is based on personal knowledge, training and experience, and on information made available to me by other law enforcement officers.
3. On May 13, 2019, Detective Trooper (D/Tpr) Evan Zapolski was assigned a

cyber-tip from the National Center for Missing and Exploited Children, hereinafter referred to as NCMEC. The cyber-tip was submitted by Phrendly. Phrendly is a social media application that allows users to chat with each other. Users pay others to chat with them using the Phrendly application. Phrendly may be used on a cellular telephone or on a computer. The cyber-tip reported that the suspect uploaded child pornography to the internet. The cyber-tip identified a suspect in Michigan, hereinafter referred to as Suspect 1, and a suspect in Utah, with the display name "Kyle." Phrendly reported this tip because Suspect 1 sent messages to "Kyle," reference sexually assaulting Suspect 1's five-year-old daughter. Suspect 1 also sent apparent child pornography to "Kyle." NCMEC provided 25 files that Suspect 1 uploaded to the conversation with "Kyle." D/Tpr Zapolski reviewed the files and confirmed them to contain child pornography.

4. Suspect 1 was identified by law enforcement and was found to be located in Genesee County, in the Eastern District of Michigan. Through information from Phrendly and telephone subscriber information, as well as through information in state and law enforcement records, "Kyle" was identified by law enforcement as KYLE DAVID JONES (DOB XX-XX-1997) and was found to be located in the State of Utah.
5. D/Tpr Zapolski also reviewed records of the chats between Suspect 1 and JONES. In these chats, Suspect 1 and JONES discussed engaging in sexual activity with Suspect 1's minor daughter and other minors, and sent and received images of child pornography.

6. For example, in chats between Suspect 1 and JONES, dated May 7, 2019, JONES described his desire to have sex with Suspect 1's minor child. JONES then received several images of child pornography from Suspect 1, and JONES distributed an image of child pornography to Suspect 1 (specifically, image 13, described below). Based on my training and experience, the term "little" is used to refer to a minor child.

Time Created	Sender	Recipient	Content
2019-05-07 20:03:44	Kyle	Suspect 1	Mhm I can't wait to grip her [Suspect 1's minor child's] hips and pound her full of cum!
2019-05-07 20:04:10	Suspect 1	Kyle	I can't wait too baby
2019-05-07 20:04:25	Suspect 1	Kyle	I love looking at kid porn and letting [Suspect 1's minor child] look at it with me ☐
2019-05-07 20:05:32	Suspect 1	Kyle	I need to cum
2019-05-07 20:07:58	Suspect 1	Kyle	::img:: [image 1]
2019-05-07 20:08:02	Suspect 1	Kyle	::img:: [image 2]
2019-05-07 20:08:09	Suspect 1	Kyle	::img:: [image 3]
2019-05-07 20:10:52	Suspect 1	Kyle	::img:: [image 4]
2019-05-07 20:10:57	Suspect 1	Kyle	::img:: [image 5]
2019-05-07 20:11:01	Suspect 1	Kyle	::img:: [image 6]
2019-05-07 20:11:40	Kyle	Suspect 1	Fuck yes let her watch it!! These are so fucki g hot!!
2019-05-07 20:14:04	Suspect 1	Kyle	You like it baby

[...]

2019-05-07 20:37:29	Kyle	Suspect 1	Fuck baby that's so fucking hot I so fucking hard I need to fuck a little
2019-05-07 20:37:44	Suspect 1	Kyle	Yeah(;?
2019-05-07 20:37:56	Suspect 1	Kyle	::img:: [image 7]
2019-05-07 20:38:44	Kyle	Suspect 1	That first one has a little squirting! Fuck I hope [Suspect 1's minor child] squirts!
2019-05-07 20:40:01	Suspect 1	Kyle	Hehe me too
2019-05-07 20:40:37	Suspect 1	Kyle	::img:: [image 8]
2019-05-07 20:41:17	Kyle	Suspect 1	Fuck I'll lick all her juice up! Baby where do you find these?!
2019-05-07 20:43:13	Suspect 1	Kyle	::img:: [image 9]
2019-05-07 20:43:17	Suspect 1	Kyle	::img:: [image 10]
2019-05-07 20:43:22	Suspect 1	Kyle	::img:: [image 11]
2019-05-07 20:43:26	Suspect 1	Kyle	::img:: [image 12]
2019-05-07 20:43:56	Kyle	Suspect 1	Look at her eat the little out they hold her face into her!

2019-05-07 20:44:27	Suspect 1	Kyle	So fucking hot
2019-05-07 20:44:37	Kyle	Suspect 1	Fuck yes it is!
2019-05-07 20:45:37	Suspect 1	Kyle	I wanna fuck all of them
2019-05-07 20:45:56	Kyle	Suspect 1	I'll fuck them all!
2019-05-07 20:46:28	Kyle	Suspect 1	::img:: [image 13]
2019-05-07 20:46:34	Kyle	Suspect 1	Her pussy is my favorite!

7. Descriptions of the child pornography files received and distributed by JONES are below:

- Image 1

Description: This image appears to be a screenshot from a website. There are six pictures displayed. One of the pictures is two nude prepubescent children, male and female. The female child is touching the male's penis and the male is touching the female's vagina. Another picture is an image of an infant female with her legs spread exposing her nude vagina and anus. The infant's genitalia are the focal point of the image.

- Image 3

Description: This picture is an image of an infant female with her legs spread exposing her nude vagina and anus. The infant's genitalia are the focal point of the image.

- Image 4

Description: This picture depicts a prepubescent female child, suspected to be less than 10 years old, sitting on an adult male's lap. The child is wearing red lingerie and her legs are spread exposing her genitalia. The child has her hand on her vagina. The adult male and the child are touching their tongues together.

- Image 5

Description: This file appears to be a screenshot taken from a mobile device of a website. The file depicts two images. Both images depict nude prepubescent female children, suspected to be less than 10 years old, with their legs spread exposing their genitalia. In one of the images an adult's hands are observed spreading the child's vagina and anus.

- Image 6

Description: This file depicts a nude female infant. An erect penis is in the bottom of the image above the infant's vagina. There is a white substance, suspected to be semen, on the child's vagina, abdomen, and chest.

- Image 7

Description: This image appears to be a screenshot. Ten female children are depicted in separate pictures. Six of the children are engaged in sexual activity with adults. One of the children, suspected to be less than 10 years old, is nude and licking an adult erect penis.

- Image 8

Description: This image is a cell phone screenshot displaying 9 images of female children. One of the images displays a nude female child, suspected to be less than 10 years old, with her legs spread, exposing her vagina. In another picture, a female child is nude with an adult erect penis touching her open mouth. The child has a white substance on her face, suspected to be semen. The child appears to be the same child described in the first image.

- Image 9

Description: This image depicts a nude female child, suspected to be around 10 years old, performing oral sex on a nude adult male's penis.

- Image 10

Description: This image depicts two nude female children, around 10 years old, in a shower. One of the female children is performing oral sex on the other.

- Image 11

Description: This image depicts an adult female performing oral sex on a female child.

- Image 12

Description: This image depicts two nude female children, suspected to be less than 10 years old. One of the female children is performing oral sex on the other.

- Image 13

Description: This image depicts a nude female infant. The picture was taken as a close-up of the infant's vagina and anus.

8. JONES also made other statements indicating a sexual interest in minors.

Examples are described below.

- In chats between Suspect 1 and JONES, dated February 2, 2019, JONES said that he found "underage girls" who were 12-14 years old to be "hot," that he had seen underage girls naked a couple of times, and that he also found younger girls to be "hot."

Time Created	Sender	Recipient	Content
2019-02-14 5:02:28	Suspect 1	Kyle	Question

2019-02-14 5:02:38	Suspect 1	Kyle	Do you find underage girls hot
2019-02-14 5:02:54	Kyle	Suspect 1	Otay, yes I do why?
2019-02-14 5:03:10	Suspect 1	Kyle	How young
2019-02-14 5:03:25	Kyle	Suspect 1	As young as 12-14
2019-02-14 5:03:44	Suspect 1	Kyle	Ever seen one naked
2019-02-14 5:04:03	Kyle	Suspect 1	Couple times yes
2019-02-14 5:04:05	Suspect 1	Kyle	Actully I think the pics I have might be a tad younger
2019-02-14 5:04:23	Kyle	Suspect 1	They would still be hot honestly

- In chats between Suspect 1 and JONES, dated March 7, 2019, JONES described his sexual interest in children to be more than “just a kink” that he thinks about, and he stated that he wanted to engage in sexual activity with a minor child. He further stated that he would be interested in engaging in sexual activity with a three-year-old child. Based on my training and experience, the term “little” is used to refer to a minor child. Based on my knowledge of the investigation, Suspect 1 and JONES used the term “play with a little” to mean engaging in sexual activity with a minor child.

Time Created	Sender	Recipient	Content
2019-03-07 17:44:27	Suspect 1	Kyle	do you atully want to play with a little ?
2019-03-07 17:44:46	Kyle	Suspect 1	Yes baby why do you ask?
2019-03-07 17:46:42	Suspect 1	Kyle	i just was wondering if its something you actually want to do or if its just a kink you think about that turns you on
2019-03-07 17:47:38	Kyle	Suspect 1	I want to play with a little at least once i find it incredibly hot and want to play it out. Do you want to play with a little?
2019-03-07 17:48:11	Suspect 1	Kyle	i have already
2019-03-07 17:48:23	Kyle	Suspect 1	Again tho
2019-03-07 17:48:41	Kyle	Suspect 1	Like if we where to get one together would you wan to play with it more
2019-03-07 17:49:10	Suspect 1	Kyle	i do , yes but i dont want old like 3 or younger is my ting they cant talk and tell
2019-03-07 17:50:04	Kyle	Suspect 1	Mhm I could do that you want them really little that hot
2019-03-07 17:52:02	Suspect 1	Kyle	i just dont want to get in trouble.
2019-03-07 17:53:11	Kyle	Suspect 1	Ok so we only play with really little littles, they won't tell on us and my baby can play all she wants
2019-03-07 17:53:47	Suspect 1	Kyle	i wanna see you play too

2019-03-07 17:57:29	Kyle	Suspect 1	::img::
2019-03-07 17:57:35	Kyle	Suspect 1	Oh I'll play with them too baby don't worry

- In chats between Suspect 1 and JONES, dated March 11, 2019, JONES stated a desire to kidnap and have sex with a minor child. This excerpt followed a discussion of sexual activity taking place between Suspect 1 and Suspect 1's minor child, and of JONES' desire to engage in sexual activity with Suspect 1's minor child.

Time Created	Sender	Recipient	Content
2019-03-11 19:28:09	Kyle	Suspect 1	Fuck I'm out on lunch and horny as fuck and I'm seeing a little girl and all I can think is how I need to fuck her
2019-03-11 19:28:34	Suspect 1	Kyle	Mmmmmmm take her (;
2019-03-11 19:28:46	Suspect 1	Kyle	Do u know anyone with littles
2019-03-11 19:29:20	Kyle	Suspect 1	I could take and fuck her in my car so easy! A couple

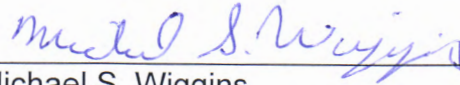
9. During other chats, Suspect 1 and JONES discussed using the internet, online chat rooms, email, and social media in order to obtain images of child pornography and/or to meet minors for potential sexual activity. Examples are described below.

- In chats dated April 10, 2019, Suspect 1 asked JONES if he would like images of an adult male engaging in sexual activity with Suspect 1's minor child, and JONES replied, "yes I'd love them," and requested that the images be sent to him at his email address.
- In chats dated March 11, 2019, JONES asked Suspect 1 how he should find a minor female with whom he could engage in sexual activity, and Suspect 1 responded, "Just find on[e] on Facebook , groom them."
- In chats dated March 12, 2019, JONES stated that he had met an 11-year-

old female child on Facebook and engaged in oral sex with her. After describing the incident, JONES stated, "I'm addicted now baby like I have to have a little! Baby next time I'll get her doggy and try and record it! I'll let you know when I do."

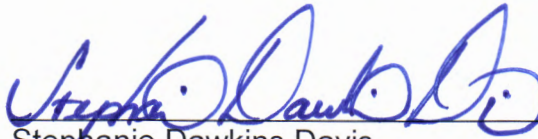
10. Law enforcement agents identified and spoke with Suspect 1 in the Eastern District of Michigan. Suspect 1 admitted to sending JONES child pornography during their chats and stated that she made approximately \$18,000 from her communications with JONES on Phrendly.
11. On September 26, 2019, law enforcement agents executed a search of JONES' residence. After being advised of his *Miranda* rights, JONES agreed to speak with officers and admitted that he operated the Phrendly account for "Kyle," that he had received child pornography from Suspect 1, that he had sent child pornography to Suspect 1, and that he has a sexual interest in children. Law enforcement agents also found child pornography files on his computer.
12. Based upon the foregoing information, it is my opinion that probable cause exists that on or about May 7, 2019, JONES violated Title 18 U.S.C. § 2252A(a)(2)(A) (Distribution of Child Pornography). Accordingly, I ask the court to issue a criminal complaint and arrest warrant for KYLE DAVID JONES for that offense.

Dated the 26th day of September, 2019, at Flint, Michigan.



Michael S. Wiggins
Special Agent
Federal Bureau of Investigation
Flint, Michigan

Subscribed and sworn to before me this 26th day of September, 2019.



Stephanie Dawkins Davis
United States Magistrate Judge
Eastern District of Michigan